

APPENDIX B

SUBDIVISION ORDINANCE*

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***Editor's note**—The subdivision ordinance was adopted by the Board of Supervisors on July 5, 1978, and is reprinted herein from a pamphlet prepared by County personnel. Amendments have been added and are indicated by amendment notes appearing in parentheses () at the end of the amended section or subsection. Any words appearing in brackets [] were added by the editor for clarity. This republication of the subdivision ordinance reflects the numerous changes made since Supplement 14 which have resulted in a significant repagination of the Ordinance. For case of future updates, each Article will now appear on a separate page.

Cross references—Subdivision Ordinance not affected by the Code or the Ordinance adopting the Code, § 1-5(7); fees for approvals, applications, etc., required by the Subdivision Ordinance, § 2-2; Planning Commission, § 2-14 et. seq.; building regulations generally, Ch. 6; findings and determination as to flood protection in proposed subdivisions, § 6-2; erosion and sediment control, Ch. 8; traffic, Ch. 10; water supply, Ch. 14; Zoning Ordinance, App. A; substandard subdivisions, Zoning Ordinance Article 19.

State law references—Land subdivision and development, Code of Virginia, § 15.2-2240 et. seq.; requirement that counties adopt ordinances to assure the orderly subdivision of land and its development, § 15.2-2240; provisions to be included in subdivision ordinance, § 15.2-2241.

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ARTICLE I. PURPOSE, AUTHORITY, TITLE AND JURISDICTION

100. Purpose.

The purpose of this Ordinance is to establish subdivision standards, procedures and regulations for the County of Culpeper, Virginia, in order to assure the orderly subdivision of land and its development.

110. Authority and title.

This Ordinance is authorized pursuant to the provisions of the Code of Virginia 1950 (as amended), found in Title 15.2, chapter 22, Article 6, § 15.2-2240 et seq., Land Subdivision and Development. The Ordinance is known and may be cited as "Subdivision Ordinance of Culpeper County, Virginia, 1978."

120. Jurisdiction.

This Ordinance shall apply in the following circumstances:

121 To all subdivision of land submitted after the effective date of this Ordinance.

122 To all subdivision of land previously approved in accordance with any law or regulation then applicable, which has not been duly recorded in the Culpeper County Clerk's office in accordance with the terms of such approval within sixty (60) days of the enactment of this Ordinance.

123 To all plats and plans, boundary surveys, easement plats, or other instruments which show parcels or lots subdivided under this ordinance or any predecessor ordinance or which reflect any requirement or provision of this ordinance.

(Ord. of 9-5-2000)

ARTICLE II. DEFINITIONS

200. General.

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated:

201 Words in the singular include the plural and those in the plural include the singular.

202 Words in the present tense include the future tense.

203 The words "person," "developer," "subdivider" and "owner" shall include a corporation, unincorporated association, a partnership or other legal entity as well as an individual.

204 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

205 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

206 The word "County" means Culpeper County, Virginia.

207 The term "board" or "Board of Supervisors" means the Board of Supervisors of Culpeper County.

208 The term "Commission" or "Planning Commission" means the Planning Commission of Culpeper County.*

210. Specific terms and words.

Other terms or words used herein shall be interpreted or defined as follows:

211 *Applicant*: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

212 *Block*: Property bounded on one side by a street and on the other three (3) sides by a street, railroad right-of-way, waterway, unsubdivided area or other definite barrier.

*Cross reference—Planning Commission, § 2-14 et seq.

213 *Building setback line*: The line within a property defining the minimum required front yard distance between any building to be erected and the adjacent right-of-way.

214 *Cartway (roadway)*: The portion of the street right-of-way, paved or unpaved, intended for vehicular use.

215 *Clear sight triangle*: An area of unobstructed vision at street intersections defined by lines of sight between points at a distance from the intersection of the street center lines as established by the Virginia Department of Transportation.

216 *Common open space*: A parcel or parcels of land, an area of water, or a combination of land and water, within a development site designed and intended for the use of residents of the development, but not including streets, off-street parking areas, private yard space or areas set aside for nonresidential and public facilities.

217 *Comprehensive Plan*: The maps, charts and textual material adopted by the Board of Supervisors of Culpeper County in accordance with Title 15.1 Chapter 11, of the Code of Virginia and designated as a whole and in its several parts as the Comprehensive Plan of Culpeper County.

218 *Dwelling Unit*: Any structure of part thereof containing one or more rooms designed for occupancy by a single family as an individual habitable unit for living, sleeping, eating, cooking and sanitation purposes.
(Ord. of 5-24-1989)

219 *Easement*: A grant by a property owner for the use of land for a specific purpose and running with the land.

220 *Engineer*: A professional engineer licensed as such in the Commonwealth of Virginia.

221 *Erosion*: The removal of surface materials by the action of natural elements.

221A *Family*: Any number of individuals related by blood, marriage or adoption or not more than three (3) individuals who are not so related, living together as a single household, including domestic servants and gratuitous

guests, together with boarders, roomers or lodgers not in excess of the number allowed by this Ordinance.

(Ord. of 5-24-1989)

222 Floodplain: The area along a natural watercourse which is periodically overflowed by water therefrom. "Floodplain" areas are designated in the Culpeper County Zoning Ordinance by the F-1 District and subject to all regulations of that district irrespective of any other zoning designations.

223 Frontage: A line parallel to the front property line extending the full width of the lot, all points of which correspond to those of the required setback line.

224 Health official: The head of the Culpeper County Health Department or his designated deputy.

225 Highway engineer: The resident engineer in Culpeper County of the Virginia Department of Transportation or his designated deputy.

226 Immediate family: Any person who is a natural or legally defined offspring, spouse, parent or guardian.

227 Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

228 Land area: The area of a lot or tract exclusive of the area normally occupied by a pond, river or branch.

229 Landowner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

230 Lot, building: A parcel of land intended for development or improvement, whether immediate or future.

231 Lot, corner: A lot abutting on two (2) or more streets at their intersection. The shortest side fronting upon a street shall be considered

the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

232 Lot, remnant:* Any portion of the original parcel of land which remains or is left as excess following subdivision. The "remnant" is itself a lot subject to building or development and regulation thereof.

(Ord. of 12-12-1989)

233 Lot, reverse-frontage: A lot extending between or having frontage on two (2) generally parallel streets with vehicular access from only the street of lower classification order.

234 Lot area: The area contained within the property lines of the lot, excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

235 Maintenance guaranty: Security required pursuant to this Ordinance to ensure that improvements will be kept in good condition after completion of construction and installation, including cash or cash equivalents, letters of credit, escrow agreements and other similar assurances of performance approved by the County Attorney.

(Ords. of 5-24-1989, 9-5-2000)

236 Performance guaranty: Security required pursuant to this Ordinance to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan, including cash or cash equivalents, letters of credit, escrow agreements and other similar assurances of performance approved by the County Attorney.

(Ords. of 5-24-1989, 9-5-2000)

237 Plan, sketch: An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for consideration by the County.

238 Plan, preliminary: A tentative plan showing proposed streets, lot layouts, existing and

***Editor's note**—Former Subsection 232 was repealed by Ord. of 3-3-1987.

proposed buildings, wells and sewer locations and such other information as required by this Ordinance.

239 Plan, final: A complete and exact plan with a registered land surveyor's Seal affixed and prepared for official recording as required by this Ordinance to define property rights, streets and other proposed improvements.

240 Plat, record: The copy of the final plan which is intended to be recorded in the office of the Clerk of the Circuit Court of Culpeper County.

241 Resubdivision: Any replatting or resubdivision of land on an approved final plan or record plat.

242 Right-of-way: The total width of any land reserved or dedicated as a street, sidewalk or for other public or semipublic purposes.

243 Sanitary sewage disposal, public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is operated by a governmental agency or governmental authority.

244 Sanitary sewage disposal, centralized: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a single land development, subdivision or neighborhood land operated by a public utility company, private corporation or company licensed in the Commonwealth of Virginia to operate such facilities.

(Ord. of 5-24-1989)

245 Sanitary sewage disposal, on-lot: Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

246 Septic tank: A watertight receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged.

247 Sight distance: The required length of roadway visible to the driver of a motor vehicle,

the design standards of which are prescribed by the Virginia Department of Transportation.

248 Slope: The face of any embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

249 Street: A strip of land, including the entire right-of-way (i.e., not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, alley or any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

250 Street line: The limit of a right-of-way.

251 Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

252 Subdivide: To separate in any manner any lot, tract or parcel of land into two (2) or more lots, tracts or parcels, including changes in existing lot lines, or, if a new public or private street is involved in such division, any division of a parcel of land. The term includes resubdividing.

(Ord. of 9-5-2000)

253 Subdivision: The act or process of subdividing as herein defined.

254 Surveyor: A certified land surveyor as licensed by the Commonwealth of Virginia.

255 Tile absorption: A system of open, joint or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

255.1 Vacation: Vacation of a previously approved subdivision plat shall occur whenever any feature of that plat is revised. Revision shall include, without limitation, any change in the placement or location of public or private streets, any change in the placement or location of easements or other rights-of-way, but shall not be deemed to include property line adjustments between lot owners as provided for in sections 570 or 614.

(Ord. of 9-5-2000)

256 Watercourse: A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether a natural or man-made body.

257 Water supply and distribution system, public: A system for supplying and distributing water from a common source to dwellings or other buildings, which is operated by a governmental agency or governmental authority.

258 Water supply and distribution system, centralized: A system for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings, generally serving a single land development, subdivision or neighborhood and operated by a public utility company or individual landowner.

259 Water supply and distribution system, on-lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

260 zoning administrator: The County official charged by the Board of Supervisors with the responsibility of administering the subdivision application submission procedure.

ARTICLE III. SKETCH PLAN SUBMISSION PROCEDURE AND REQUIREMENTS

300. Sketch plan submission.

301 Sketch plan maps and materials shall be submitted for all proposed subdivisions for the purpose of discussion between the Office of Planning and Zoning and the subdivider.

302 One copy of all sketch plans maps and materials, as set forth in section 320, shall be submitted to the Office of Planning and Zoning.

310. Sketch plan review.

311 When sketch plan maps and materials have been submitted to the Office of Planning and Zoning, the data presented will be reviewed for general compliance to all appropriate County criteria and Ordinances.

312 The Office of Planning and Zoning shall review the sketch plan data to determine whether the proposal is an appropriate use of the site, as indicated by the natural features analysis presented. The sketch plan stage is designed to offer the subdivider an opportunity to informally discuss plans for the proposed subdivision with Culpeper County officials.

313 Within thirty (30) days of submission of sketch plan data to the Office of Planning and Zoning, an agent of that office shall make any recommendations to the subdivider which are deemed necessary or advisable in the public interest to provide appropriate use for the site.

314 Within six (6) months after the completion of the sketch plan review by the Office of Planning and Zoning, the subdivider shall submit a preliminary plan. Failure to do so shall render any office recommendations null and void.

320. Sketch plan requirements.

321 The sketch plan submission shall include the following background maps where lot development is anticipated:

321.1 A map illustrating natural drainage patterns and water resources within the proposed tract, including delineation of

streams, natural drainage swales, ponds and lakes, wetlands, floodplains and permanent seasonal high water tables.

321.2 A map illustrating the types of soil present within the proposed subdivision tract based on the Culpeper County Soils Survey (Soil Conservation Service). The map should include delineation of prime agricultural areas, unstable soils, soils susceptible to erosion and soils most suitable for on-lot disposal.

321.3 A topographic map of the site with no greater than twenty (20) foot contour intervals, including delineation of slope areas under five percent (5%) and fifteen percent (15%) and over fifteen percent (15%).

321.4 A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, rock outcroppings and scenic views.

321.5 Where feasible and legible, the analysis involved in sections 321.1 through 321.4 may be illustrated on one or a combination of composite maps. The combined impact of the natural characteristics of the site upon the development potential of the same shall be clearly illustrated on the map or maps.

321.6 Reserved.
(Ord. of 3-3-1987)

322 A sketch of the proposed subdivision comprised of the following shall be submitted:

322.1 An illustration and explanation of the subdivider's general development concepts for the tract.

322.2 A layout of the proposed subdivision including the general location of streets, lots, sanitary and storm sewers and recreation land, where applicable.

ARTICLE IV. PRELIMINARY PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

400. Preliminary plan submission.

401 Twenty (20) black-line or blue-line copies of the preliminary plan and all required supplementary data for all proposed subdivisions shall be submitted by the subdivider to the Office of Planning and Zoning at least thirty (30) days prior to the regularly scheduled meeting of the Planning Commission at which action thereon is desired.

(Ord. of 3-3-1987; 4-2-2002(3))

402 If the preliminary plan submission complies with section 420 of this Ordinance, the zoning administrator shall stamp one print for review of the Highway Engineer, Health Official and Soil and Water Conservation District and then return the stamped print to the subdivider for submission to these agencies.

403 The order of submission to these reviewing agents shall be as follows:

403.1 Highway Engineer.

403.2 Health Official.

403.3 Soil and Water Conservation District Official.

410. Preliminary plan review.

Preliminary plan review represents the first step in commitment for proposed applications. In order for a subdivider to successfully secure preliminary plan approval, the following steps must be completed:

(Ords. of 5-24-1989, 9-5-2000)

411 Initial review by the Office of Planning and Zoning:

411.1 The zoning administrator or agent thereof shall review the content of all maps and data presented to determine when the submission is complete.

411.2 Having made this determination, the zoning administrator shall advise the subdivider of the degree to which the submission is complete and either return the maps and materials for further work

or affix a stamp on one copy of the preliminary plan map to be circulated by the subdivider to all necessary agencies.

412 Review by the Highway Engineer shall constitute analysis of any proposed roads for compliance with Virginia Department of Transportation design standards and all alignments and relationships of proposed streets to the existing road network.

413 Review by the Health Official shall require the following information before approval can be given:

413.1 Any additional contours necessary as the topography dictates.

413.2 A soil overlay with boundaries of unsatisfactory soil shown by shading.

413.3 Locations of house sites, well sites and disposal field sites as proposed.

413.4 Drainage easements, rights-of-way and highway changes as dictated by the Highway Engineer.

413.5 Location of well lots and distribution systems if central water systems are to be used.

413.6 Soil descriptions, including a description for individual sites showing soil type, profile and depth to rock.

413.7 A plat which indicates a survey point on each drainfield site.

414 Review by the Soil and Water Conservation District Official shall be of the proposed soil erosion and sediment control plan in cases where the proposed subdivision has not been exempted from such regulations.*

415 Review of the preliminary plan by the Planning Commission shall proceed as follows:

415.1 When a preliminary plan has been resubmitted to the Office of Planning and Zoning with the required agency approvals, such plan, except those plans exempted from standard procedures as provided for in Article VI, shall be placed on the agenda of the Planning Commission

***Cross reference**—Soil erosion and sediment control plan, § 8-22 et seq.

for review at its next regular monthly meeting, provided that said submission has occurred no less than thirty (30) calendar days prior to such regular meeting. The Planning Commission shall hold a public hearing on the preliminary plan at this time.

415.2 The Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this Ordinance and other applicable regulations and shall require or recommend such changes or modifications as it deems necessary.

415.3 No decision shall be made by the Planning Commission with respect to a preliminary plan until this body has received and considered the written report and approval of the Highway Engineer, the Health Official and the Soil and Water Conservation District Official; provided, however, that if these agents fail to respond thereon within thirty (30) days after receipt of the preliminary plan, then the Planning Commission may officially act without having received and considered such reports. In all cases, the Planning Commission must act within sixty (60) days after receipt of the preliminary plan from the subdivider unless said applicant requests further delay.

415.4 During review of the preliminary plan, the Planning Commission shall consider the written report of the Office of Planning and Zoning when making its decision.

415.5 Within ten (10) days after the meeting at which the preliminary plan is reviewed by the Planning Commission, the action taken by the commission in recommending approval or denial of the preliminary plan, together with the findings and reasons upon which the action is based, shall be given in writing to the following:

415.5.1 The Culpeper County Board of Supervisors.

415.5.2 The subdivider or his agent.
(Ords. of 1-6-1981; 5-24-1989)

416 Review by the Board of Supervisors shall be conducted in conjunction with a public hearing and proceed as follows:

416.1 The recommendations of the Planning Commission shall be reviewed and considered in making the decision.

416.2 Additional information may be requested of the Planning Commission or Office of Planning and Zoning.

416.3 The Board must act to approve or deny the submission within sixty (60) days after receipt of the preliminary plan with Planning Commission recommendations, unless further delay is requested by the applicant.

416.4 Written notice of the Board's decision shall be given to the applicant within ten (10) days of the meeting at which the decision took place.
(Ord. of 5-24-1989)

420. Preliminary plan requirements.

421 The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals fifty (50) feet, except in the case of a subdivision on one hundred (100) acres or more, in which case the scale may be one inch equals one hundred (100) feet. The preliminary plan shall be submitted in a format meeting the regulatory standards for plats adopted pursuant to section 42.1-82 of the Code of Virginia, found in 17 Virginia Administrative Code 15-60-10 through 15-60-70.
(Ord. of 9-5-2000)

422 The original drawing and all submitted prints shall be made on sheets of one (1) of the following sets of dimensions:

422.1 Eight and one-half (8½) by fourteen (14) inches.

422.2 Eighteen (18) by twenty-four (24) inches.

422.3 Twenty-four (24) by thirty-six (36) inches.

423 If the preliminary plan requires more than one sheet, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.

424 The preliminary plan shall illustrate the following data:

424.1 The name and address of the record owner; the name of the developer if different from the owner; the names of all adjoining subdivisions, if any, and the names of the owners of all adjacent unplotted land, with the tax map, block and lot numbers where recorded.

424.2 The name of the proposed subdivision; the total tract boundaries of the properties being subdivided, showing bearings and distances; and a statement of total acreage of the property.

424.3 The name, address, license number and Seal of the registered engineer or land surveyor responsible for the subdivision plan; the North point graphic scale, written scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.

424.4 A key map for the purpose of locating the property being subdivided drawn at a scale not smaller than one inch equals two thousand (2,000) feet and showing the relationship of the property differentiated by tone or pattern to adjoining property and all existing streets and roads within two thousand (2,000) feet of any part of the property.

424.5 The Tax Map, block and lot numbers within the proposed subdivision tract where recorded and the zoning district or districts within which the proposed subdivision is located.

424.6 All existing buildings or other structures within the proposed subdivision tract and all existing streets, including streets of record (recorded but not constructed) on or joining the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

424.7 All existing sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads or other man-made features within the proposed subdivision tract and, where possible, within two hundred (200) feet of the boundaries of the proposed subdivision tract; location, width and purpose of existing easements and utility rights-of-way within two hundred (200) feet of the proposed subdivision tract; and the name, Tax Map and parcel number of parcels lying in an existing agricultural and forestal district adjacent to or within five hundred (500) feet of the subdivision tract.

424.8 Contour lines at vertical intervals of not more than twenty (20) feet or as may be required by the Culpeper County Health Department, whichever is the smaller increment.

424.9 The full plan of proposed development, including the following:

424.9.1 The location and width of all streets, entrances and rights-of-way with a statement of any conditions governing their use, suggested names and utility easement locations. Street and right-of-way center lines shall be located from the intersection of the nearest secondary road to an accuracy of one-tenth ($\frac{1}{10}$) of a mile in distance.

424.9.2 Building setback lines along each street, all setback lines indicating yard requirements, and any buffer requirements which pertain to the lot as a result of Section 705 of this Ordinance.

(Ords. of 1-3-1995; 8-7-2001)

Editor's note—The ordinance of 1-3-1995 added the remainder of the sentence after the word "street".

424.9.3 Lot lines with approximate dimensions.

424.9.4 A statement of the intended use of all nonbuilding lots and parcels.

424.9.5 Lot numbers and a statement of the total number of lots and parcels.

424.9.6 The location of water, sanitary sewer and storm sewer lines (and other drainage facilities) and any proposed connections with existing facilities.

424.9.7 Parks, playgrounds and other areas dedicated or reserved for public or common use with any conditions governing such use.

424.9.8 Copies of the proposed deed restrictions or protective and restrictive covenants referenced to the preliminary plan map.

424.9.9 A map illustrating the entire contiguous holdings of the landowner indicating the area or scope of ultimate proposed subdivision and delineating the area which the preliminary plan encompasses.

424.9.10 A sketch plan of the proposed road system for the remainder of this area not included in the preliminary plan.

(Ord. of 5-24-1989)

425 The preliminary plan shall be accompanied by the following supplementary data:

425.1 A plan for minimizing erosion and sedimentation in accordance with the Erosion and Sedimentation Control Standards as set forth by the Erosion and Sedimentation control Handbook and approved by the Soil and Water Conservation District.*

425.2 In the case of subdivision plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision consecutively numbered so as to illustrate phasing of development.

425.3 Certification of water supply systems.

425.3.1 *Public.* When water service to the proposed subdivision is to be

provided by an existing public system, the developer shall submit a letter from the agency, authority, or utility which states that it can adequately serve the subdivision.

425.3.2 *Centralized.* When water service to the proposed subdivision is to be a centralized water system, the developer shall submit a letter from the health department which evaluates the proposed system in relation to the State's minimum requirements.

425.4 Certification of sewage disposal systems.

425.4.1 *Public.* When sewage disposal service to a proposed subdivision is to be provided by an existing public system, the developer shall submit a letter from the agency, authority, or utility stating that it can adequately serve the subdivision.

425.4.2 *Centralized.* When the subdivision is to be served by a centralized sewage disposal system, the developer shall submit a letter from the Virginia State Water Control Board which evaluates the proposed system in relation to the State's minimum requirements.

425.4.3 *On-lot.* When sewage disposal service for the proposed subdivision is to be by individual on-lot sewage disposal systems, the developer shall submit a letter from the Culpeper County Health Department which reports the department's findings as to the feasibility of using on-lot sewage disposal systems and shall, in addition, include on the preliminary plan building and drainfield locations for all lots which will be served by on-lot sewage disposal systems.

*Cross reference—Chapter 8, Culpeper County Code.

ARTICLE V. FINAL PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

500. Final plan submission.

501 Within twelve (12) months after approval of the preliminary plan, the final plan and all required supplemental data shall be submitted to the zoning administrator. An extension of time may be granted by the Planning Commission upon written request. Unless an extension is granted, the preliminary plan approval shall expire and be null and void twelve (12) months after the date of the approval, and any plan submitted thereafter shall be considered as a new preliminary plan and be subject to all the requirements thereto.
(Ord. of 9-5-2000)

502 Every aspect of the final plan shall substantially conform with that corresponding feature shown on the preliminary plan as previously approved by the Board of Supervisors. The zoning administrator shall require that the subdivider return to the Planning Commission with a new preliminary plan if any feature differs substantially on the final plan from the approved preliminary plan.

503 Repealed.
(Ord. of 9-5-2000)

504 Official submission of a final plan to the zoning administrator shall be comprised of the following:

504.1 Submission of five (5) paper prints of the final plan, which shall fully comply with sections 521 through 522 of this Ordinance.

504.2 Submission of one copy of all required supplemental information as set forth in section 523.

504.3 Submission of two (2) copies of all offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear signature of approval of the County Attorney as to their legal sufficiency.

510. Final plan review.

511 Review of the final plan by the zoning administrator shall proceed as follows:

511.1 The zoning administrator shall review the final plan to determine its conformance with the standards contained in this Ordinance, with other applicable County ordinances, and with the officially approved preliminary plan.

511.2 Within ten (10) days after submission the zoning administrator shall either return the final plan to the subdivider for the purpose of recordation or deny approval and make recommendations as to the necessary steps which must be taken to bring the final plan into conformance.

520. Final plan requirements.

521 The final plan shall conform to standards and data requirements a set forth for preliminary plan in section 420 of this Ordinance.

522 The following data shall be illustrated on the final plan:

522.1 The latest source of title to the land as shown on the Deed, Page Number and Book in the Culpeper County Clerk's Office.

522.2 The total tract boundary lines of the area being subdivided with accurate distances to $\frac{1}{100}$ of a foot and bearings to ten (10) seconds. These boundaries shall be determined by accurate survey in the field to an error of closure not to exceed one foot in ten thousand (10,000) feet. The tract boundary shall subsequently be closed and balanced. However, the boundary or boundaries adjoining additional unplatted land of the subdivider (for sections) are not required to be based upon field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

522.3 The following data for all proposed and existing streets:

522.3.1 The name, proposed name, or number of the street.

522.3.2 The cartway width and cartway edge (curblines) of the street.

522.3.3 The right-of-way width and right-of-way lines of the street.

522.3.4 Building setbacks along each street, all setback lines indicating yard requirements, and any buffer requirements which pertain to the lot as a result of section 705 of this Ordinance.

(Ord. of 1-3-1995)

Editor's note—The ordinance of 1-3-1995 added Subsection 522.3.4.

522.4 Block and lot numbers and a statement of the total number of lots; all dimensions both linear and angular for locating lots, streets, street centerlines, alleys, public easements, and private easements; the linear dimensions shall be expressed in feet to the $\frac{1}{100}$ of a foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten (10) seconds.

All curves shall be defined by their radius, central angle, tangent length, chord bearings, chord distances, and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat. (Ord. of 9-5-2000)

522.5 All common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, electric or other service to the proposed subdivision and any limitations on such easements or rights-of-way. The location of all such easements shall be shown and accurately identified on the plan. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable televi-

sion operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of Culpeper County. No plat shall be approved unless the plat provides for such easements sufficient to provide for the furnishing of such services to all lots in the subdivision.

(Ord. of 9-5-2000)

522.6 A statement of the intended use of all non-building lots or parcels with reference to restrictions of any type which exist or will exist as covenants in the deed on the lots or parcels contained in the subdivision and, if covenants are recorded, including the book and page number in the Culpeper County Clerk's office.

522.7 The final plan shall provide space, preferably in the lower right-hand corner, and provide suitable lettering for evidencing:

522.7.1 The surveyor's certificate as to title.

522.7.2 The surveyor's certificate as to monuments.

522.7.3 All restrictive covenants or reference thereto.

522.7.4 The owner's certificate.

522.7.5 Approval by the zoning administrator of Culpeper County.

A form for the above may be obtained from the Office of Planning and Zoning.

523 The final plan shall be accompanied by the following:

523.1 A certificate signed by the County Treasurer evidencing payment of all applicable taxes.

523.2 A certificate signed by the Health Official evidencing conformity with all applicable requirements of the County health department. If water is to be provided by or sewer connected with an approved system, a certificate signed by the authorized official of such authority shall

also be submitted stating that the performance guaranty referred to in the following section is adequate to ensure the installation of such water or sewage facilities in a manner which will satisfy the requirements of both the County health department and the authority or agency as applicable
(Ord. of 9-5-2000)

523.3 If all improvements required under the provisions of this Ordinance are not completed, a performance guaranty for improvement completion as may be required by the Planning Commission and referred to in section 810 of this Ordinance.
(Ord. of 9-5-2000)

523.4 Profiles, cross sections and specifications for proposed streets, sanitary sewers, storm drainage, flood control and bridge and water system improvements, which conform to the design requirements of the Virginia Department of Transportation.
(Ord. of 9-5-2000)

523.5 A certificate signed by the Highway Engineer that all streets, parking areas, street signs and drainage systems required, if already constructed by the subdivider, are approved as being in conformance with the final plan and requirements of this Ordinance, or if they are not yet constructed, that the performance guaranty for completion referred to in the preceding section is adequate to guarantee satisfactory and acceptable installation thereof within a designated reasonable time.
(Ord. of 9-5-2000)

523.6 A certificate signed by the Soil and Water Conservation District Official attesting to the acceptance of final erosion and sediment control plans, as required, and evidencing conformity with final plan requirements of this Ordinance and Chapter 8 of the Culpeper County Code. Measures required to be installed and not yet constructed shall be subject to a perfor-

mance guaranty for completion as required in Article VIII.
(Ord. of 9-5-2000)

523.7 A check payable to the County Treasurer to cover fees required.

523.8 An unexecuted copy of the proposed deed accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds to the effect that this is the true copy of the proposed deed which will be presented for recordation. Said copy shall:

523.8.1 Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

523.8.2 Contain language such that, when the deed is recorded, it shall operate to transfer in fee simple to Culpeper County such portion of the platted premises as is on such plan set apart for streets, alleys, easements or other public use and to create a public right of passage over the same.

523.8.3 Contain all protective or restrictive covenants.
(Ord. of 5-24-1989)

530. Recording the final plan.

531 No subdivision plan, hereinafter called the "record plat," shall be recorded unless and until it carries an original signature by the licensed surveyor or engineer, and is approved and signed by the zoning administrator.
(Ord. of 9-5-2000)

532 No record plat shall be recorded unless all the monuments shown and described on the final plan will be placed as evidenced by the certificate of a licensed surveyor endorsed on said plat.

533 Unless the final plan is submitted to the Clerk of the Circuit Court for Culpeper County for recordation within six (6) months of the

date of final approval and signing by the zoning administrator, such approval shall automatically be withdrawn and be void. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with an approved performance guaranty, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the approved performance guaranty agreement, whichever is greater.
(Ord. of 9-5-2000)

534 Within thirty (30) days after recordation of the approved record plat, the subdivider shall file a copy thereof in the office of the Culpeper County Commissioner of the Revenue.
(Ord. of 9-5-2000)

535 If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes an approved performance guaranty in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the County, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, or for such longer period as the zoning administrator, at the approval, determines to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of the performance guaranty and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.
(Ord. of 9-5-2000)

536 Recordation of the record plat of a subdivision shall not be deemed to be acceptance by the County of any street or road or other public place shown on the plat for maintenance, repair or operation thereof.
(Ord. of 9-5-2000)

540. Recorded plats to be valid for not less than five years.

541 Pursuant to the provisions of section 15.2-2261 of the Code of Virginia, an approved final

subdivision plat which has been recorded, hereinafter referred to as "recorded plat," shall be valid for a period of not less than five (5) years from the date of approval thereof or for such longer period as the zoning administrator may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.

542 Upon application of the subdivider or developer filed prior to expiration of a recorded plat, the zoning administrator may grant one or more extensions of such approval for additional periods as the zoning administrator may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

543 If the zoning administrator denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on this Subdivision Ordinance, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the Culpeper County Circuit Court, provided that such appeal is filed with the Circuit Court within sixty (60) days of the written denial by the zoning administrator.

544 For a period of five (5) years after approval of a recorded plat, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

545 Application for minor modifications to recorded plats made during the periods of validity of such plats established in accordance with this section shall not constitute a waiver of the

provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats.

546 The provisions of this section shall be applicable to all recorded plats valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect:

546.1 any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled;

546.2 the authority of the Culpeper County Board of Supervisors to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; or

546.3 the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 540.

550. Vacation of plat before sale of lot therein; ordinance of vacation.

551 Pursuant to the provisions of Va. Code § 15.2-2271, where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the two (2) methods set forth in sections 552 and 553 below.

552 With the consent of the Board, or its authorized agent, by the owners, proprietors and trustees, if any, who signed the statement required by section 523.8 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the office of the Clerk of the Circuit Court for the County of Culpeper and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public

rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

553 By ordinance of the Board, provided that no facilities for which bonding is required have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five (5) years of the date on which the plat was first recorded.

553.1 The ordinance shall not be adopted until after notice has been given as required by Va. Code § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.

553.2 Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

553.3 An appeal from the adoption of the ordinance may be filed within thirty (30) days of the adoption of the ordinance with the Culpeper County Circuit Court.

553.4 Upon appeal the Court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.

553.5 If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the office of the Clerk of the Circuit Court for the County of Culpeper.

553.6 The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and ease-

ments for public passage and other public areas laid out or described in the plat.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 550.

560. Vacation of plat after sale of lot.

561 Pursuant to the provisions of Va. Code § 15.2-2272, in cases where any lot has been sold, the plat or part thereof may be vacated according to either of the two (2) methods set forth in sections 562 and 563 below.

562 By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the Board for the purpose of showing the approval of the vacation by the Board.

562.1 In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area.

562.2 The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner.

562.3 The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the office of the Circuit Court for the County of Culpeper.

563 By ordinance of the Board on motion of one of its members or on application of any interested person.

563.1 The ordinance shall not be adopted until after notice has been given as required by Va. Code § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.

563.2 Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

563.3 An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Culpeper County Circuit Court.

563.4 Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

563.5 If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the office of the Circuit Court for the County of Culpeper.

564 Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by Va. Code § 15.2-2204 and provided the Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the Board pursuant to Va. Code §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval.

(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 560.

570. Relocation or vacation of boundary lines.

571 The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision (i) approved as provided in this subdivision ordinance or (ii) properly recorded prior to the applicability of a subdivision ordi-

nance, and executed by the owner or owners of the land as provided in Va. Code § 15.2-2264, provided that:

571.1 Such action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas.

571.2 No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 570.

ARTICLE VI. MINOR DIVISIONS—PLANS EXEMPTED FROM STANDARD PROCEDURE

600. Generally.

Those certain types of subdivisions listed in section 610 below are defined as "minor divisions" and may, with approval as provided below, be exempted from some or all of the standard procedures outlined in Articles III, IV and V of this ordinance. Such divisions are subject to the provisions and must conform to the requirements and procedures set forth herein:

601 All minor divisions that are created by the subdivision of previously divided parcels may only be approved upon demonstration that the size, shape and design of the proposed lot or lots are in character with the original division and the surrounding area and may not violate the standards under which the original division was approved without complying fully with the requirements for a subdivision in Articles III, IV and V of this Ordinance.

602 The developer shall prepare and submit sketch plan maps and supportive data as may be required according to the procedures as set forth in sections 300 through 320 of this Ordinance, exclusive of section 314, for discussion with the Office of Planning and Zoning.

603 When no major incompatibility is found between the development potential of the site and the developer's general concept of the site, and within sixty (60) days after completion of sketch plan review by the Office of Planning and Zoning, the zoning administrator shall either (a) authorize the preparation of a final plan pursuant to section 604 below, or (b) proceed pursuant to the provisions of section 605 below.

604 The final plan shall meet the requirements set forth in section 520 of this Ordinance.

604.1 In addition to any other required items, the final plan must show any supplemental information as may be required by the highway department, health

department or the soil and water conservation district and any approvals required thereof.

604.2 The final plan shall be submitted to the Office of Planning and Zoning and reviewed in accordance with the procedures as set forth in section 510 of this Ordinance.

604.3 If all the requirements of this Ordinance and other applicable laws have been met, the final plan shall be approved and may be recorded according to the requirements set forth in section 530 of this Ordinance.

605 If, in the opinion of the zoning administrator, the proposed subdivision, for reasons of public health, safety, and welfare, should be required to comply with any or all of the requirements of Articles III, IV or V of this Ordinance, the zoning administrator may require the applicant to comply with any or all of the requirements. The zoning administrator will notify the developer in writing of the reasons for his decision.

605.1 The Planning Commission may overturn the zoning administrator's determination pursuant to section 605, in whole or in part, when considering the developer's application.

610. Minor Divisions.

611 Five-year divisions. The creation of not more than three (3) lots, including the remnant, on an existing street within a five (5) year period.

611.1 Such divisions shall not adversely affect the development of the remainder of the parcel or adjoining property.

611.2 Each lot created and the remnant shall conform to the provisions of the Culpeper County Zoning Ordinance, unless otherwise specifically provided in this Article.

612 Ten-acre divisions. In zoning districts zoned A-1 (Agricultural) or RA (Rural Residential)

only, five-year divisions in which each lot, including the remnant, contains at least ten (10) acres of land.

612.1 Each and every lot, including any remaining land or remnant lot, created by such a division shall have perpetual ingress and egress to a dedicated, recorded public street, either by being located on such street or by a recorded, platted, irrevocable easement of at least fifty (50) feet in width ("private street"), linking such lot to such a public street.

612.2 No private street as provided in section 612.1 above may be approved unless the instrument creating the easement provides for a perpetual maintenance agreement, as a covenant running with the land, binding on all property owners having rights in the easement. The instrument creating the easement shall also provide for easements for the benefit of all parcels adjoining the easement for present or future facilities providing cable television, gas, telephone, electric, water, sewer or other service to the parcels. Such instrument shall be in a form acceptable to and approved by the County Attorney.

612.3 Every final plat prepared pursuant to this provision shall depict the exact placement and dimensions of the easement as part of the property survey and shall designate the easement as a "private street".

612.4 Expressly excepted from the definition of a "ten-acre division" otherwise permitted to be treated as a minor division under the provisions of this Article are:

612.4.1 Any division utilizing either a public road or a private street that connects to any street in a previously approved subdivision plat, without the consent of all the property owners in the affected subdivision.

613 Family divisions. In zoning districts zoned A-1 (Agricultural) or RA (Rural Area) only, the single division of a lot or parcel for the purpose

of sale or gift to any non-minor member of the immediate family of the property owner. For the purposes of this provision, "immediate family" shall be defined as any person who is a natural or legally defined child, sibling, parent, grandparent, grandchild, or step-child, step-parent, or step-sibling of the property owner. Family divisions may be transferred jointly to a member of the immediate family and their spouse. The provisions of this section shall not apply to transfers of undivided interests by one (1) or more co-tenants or joint tenants of any parcel to one (1) or more of the other co-tenants or joint tenants.

613.1 Only one (1) such division shall be allowed per family member as grantee and this shall be certified as such by the owner at the time of application to the Office of Planning and Zoning.

613.2 Lot size shall conform to the requirements of Section 9-3-3 of the Culpeper County Zoning Ordinance.

613.3.1 The sale or gift by the property owner shall be for the bona fide purpose of providing immediate housing and shelter for eligible family members as provided above. For the purposes of this section, "immediate" shall be defined as obtaining a building permit for such housing and shelter within twelve (12) months of the division pursuant to Section 613, thereafter diligently pursuing a primary domicile in a residence constructed as described in such permit and located on the parcel, and occupying such residence no later than twenty-four (24) months after the division.

613.3.2 As set forth in subsection 613.3.1, above, all family divisions must be for the purpose of establishing a primary domicile for the grantee. Occupancy of the residence may be waived by the Zoning Administrator if there is an employment situation, such as employment in the armed services, which would require the

grantee to work outside of Culpeper County making occupancy impossible.

613.4 The sale or gift by the property owner shall not be for the purpose of circumventing the requirements of this Ordinance.

613.5 The remaining land or remnant lot created by subdivision under this section shall itself be considered a family division enjoying the same exemptions as any other lot or lots approved from the original parcel and subject to the requirements of section 613.1: provided, however, that if the remaining land or remnant lot shall not in all other respects conform to the requirements applicable to lots in that zoning district, the remaining land or remnant lot shall be subject to the same restrictions imposed by section 613.6 on the new parcel.

613.6 All divisions pursuant to this section shall conform to the following requirements:

613.6.1 The deed of conveyance shall conform to the requirements of section 613.8 below.

613.6.2 Each and every lot created by such a division, including any remaining land or remnant lot, shall have perpetual ingress and egress to a dedicated, recorded public street, either by being located on such street or by a recorded, platted, irrevocable easement of at least fifty (50) feet in width ("private street"), linking such lot to such a public street.

613.6.2.1 The provisions of sections 612.2 and 612.3 above shall apply to private streets permitted by this section 613.6.2.

613.6.2.2 Notwithstanding section 613.6.2.1, where a "private farm lane" has already been established and recorded pursuant to the predecessor provisions of section 736 (Ordinances of Mar. 3, 1987 & Mar. 5, 1991),

such a "private farm lane" may be utilized to obtain the required access to a public street, provided that all affected parties consent thereto, and provision is made for the maintenance of the "private farm lane," and for easements as required by section 612.2.

613.6.3 Prior to the approval of any family division, the owner creating the family division and the proposed transferee shall execute an affidavit as provided for in section 613.7 below.

613.6.4 If the family division is approved, the plat of subdivision shall contain a notice in a form to be approved by the County Attorney, which notice shall state, at a minimum, that the plat and the division are pursuant to the requirements of this section 613, that further transfer of the lots or parcels shown on the plat is limited in accordance with the provisions of section 613.6.5, and that building permits and/or certificates of occupancy may not be granted if the division is found by the zoning administrator to be in circumvention of the requirements of the Culpeper County Subdivision Ordinance, or if the proposed transferee does not comply with the requirements of section 613.3, as they may be adjusted pursuant to section 613.9.3.

613.6.5 Except as otherwise provided in section 613.9 below, no transferee under this provision shall further transfer or subdivide any lot created hereunder for a period of five (5) years from the date of the transfer.

613.7 The affidavit required in section 613.6 shall conform to the following requirements:

613.7.1 The affidavit shall be in a form approved by the County Attorney.

613.7.2 The affidavit shall include:

613.7.2.1 the names of the owner and the proposed transferee;

613.7.2.2 the relationship between the owner and the proposed transferee;

613.7.2.3 information concerning any prior conveyances pursuant to this section 613 or any predecessor provision of the Culpeper County Subdivision Ordinance affecting either the owner or the proposed transferee; and

613.7.2.4 the purpose of the proposed division.

613.7.3 The affidavit shall contain a certification by the owner and the proposed transferee that the proposed division is not for the purpose of the circumvention of the requirements of this Subdivision Ordinance.

613.7.4 The affidavit shall contain a certification by the proposed transferee that:

613.7.4.1 the property to be conveyed is to be used only for housing and shelter for the transferee;

613.7.4.2 the proposed transferee is currently able to and intends to occupy the property as his or her primary domicile within the time period required by section 613.3;

613.7.4.3 the proposed transferee understands and agrees that a building permit or a certificate of occupancy may not be issued in the event the conveyance is for the purpose of circumventing the requirements of this Subdivision Ordinance; and

613.7.4.4 the proposed transferee understands and agrees that the property is subject to the requirements of section 613.6.5.

613.8 The deed of conveyance for any family division shall conform to the following requirements:

613.8.1 The deed shall be in a form approved by the County Attorney.

613.8.2 The deed shall be executed by both the transferor and the transferee.

613.8.3 The deed shall contain a provision that the property is subject to the requirements of sections 613.6.5 and 613.9.

613.8.4 The deed shall contain a statement that the conveyance is for the *bona fide* purpose of providing immediate housing and shelter for an immediate family member pursuant to section 613 of the Culpeper County Subdivision Ordinance.

613.9 The foregoing provisions are subject to the following exceptions:

613.9.1 Notwithstanding the provisions of section 613.6.5, the Board may approve a conveyance within the five (5) year time period where the grantor demonstrates a *bona fide* financial or economic hardship or disaster which necessitates such conveyance.

613.9.2 Nothing herein shall be construed as preventing:

613.9.2.1 any sale or conveyance resulting from a deed of trust foreclosure;

613.9.2.2 any conveyance for the purpose of conveying legal title to any trustee in a *bona fide* deed of trust; or

613.9.2.3 any transfer pursuant to any judicial decree of partition or divorce, including any property settlement incorporated into a divorce decree.

613.9.3 Notwithstanding the provisions of section 613.3, the Board may extend the time period in which the transferee is to obtain a building permit or construct his or her primary domicile when the transferee has been unable, due to circumstances beyond his or her control, and in spite of his or her good faith efforts, to do so; or when the transferee demonstrates a *bona fide* financial or economic hardship or disaster which necessitates such an extension.

613.10 The determination whether or not a transfer is in circumvention of the requirements of the Subdivision Ordinance is to be made initially by the zoning administrator, and is to be based on any relevant factors. Any person affected by the decision may appeal such a determination pursuant to section 910. (Ord. of 9-3-2002)

614 Adjustment of lot lines. Resubdivisions for the purpose of minor boundary line adjustments between adjoining property owners where no new building lots are created.

614.1 No such division shall result in the creation of any lot that does not conform to the minimum requirements of the Culpeper County Zoning Ordinance nor shall an existing non-conformity be increased or worsened and no such division shall prevent the logical development of the remaining tract.

614.2 No such division shall be permitted under this Article.

614.2.1 If the adjustment involves the relocation or alteration of streets, alleys, easements for public passage, or other public areas; or

614.2.2 If, as a result of the adjustment, any easement or utility right-of-way is to be relocated or altered without the express consent of all persons holding any interest therein; or

614.3 Any adjustment of lot lines which would expand the size of a nonconforming lot or increase the size of any lot by more than twenty-five (25) percent shall be restricted as to subsequent minor divisions under Section 610 of this Ordinance. No such subsequent division shall be permitted to yield an increase in the number of lots which would have been permissible prior to the adjustment of lot lines, unless all such additional lots exceed fifty (50) acres in size. The plat of any lot subject to this provision must include a clear statement indicating the restriction on subsequent divisions; or

614.4 The final plan shall, in addition to any other requirements of this ordinance, contain wording substantially as follows, as approved by the Zoning Administrator: "For the purposes of application of the Zoning and Subdivision Ordinances of Culpeper County, Virginia, the tract or parcel shown on this plat shall be considered part of that tract or parcel conveyed to the undersigned owners by deed dated _____, and recorded in the Culpeper County Clerk's office in Deed Book _____, page _____, and the two (2) parcels shall be considered as one (1)."

(Ords. of 9-5-2000; 4-2-2002(3); 6-4-2002(5))

Editor's note—The ordinance of 9-5-2000 repealed the former Article 6 in its entirety and replaced it with the above Article.

ARTICLE VII. DESIGN STANDARDS

700. Application.

701 The standards of this Article shall be used to determine the adequacy of all proposed subdivisions.

702 A development shall be planned, reviewed and carried out in conformance with all County, State and other applicable laws and regulations.

703 Whenever other County ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

704 In reviewing the design, layout, density and platting of subdivisions, the following shall be considered and incorporated where practicable, in County planning and decisions:

704.1 The County Comprehensive Plan.

704.2 The County Zoning Ordinance.

704.3 Existing Agricultural and Forestal Districts.

704.4 Physical characteristics of the site and natural features of the surrounding area.

704.5 Environmental impacts that may result from the subdivision.

704.6 Other state and local laws as applicable to the subdivision of land and improvements thereto.
(Ord. of 5-24-1989)

705 Subdivisions that abut, or are adjacent across a secondary highway to, property in an existing agricultural and forestal district shall provide a buffer between the nearest dwelling and the district of one hundred (100) feet or more, based on the use of a berm, landscape or such other combination of natural materials to physically screen and separate the uses and restrict the movement of persons, animals, pollutants and noise between the two. Absent of such barrier, a maximum of two hundred (200) feet shall be required as determined by the Planning Commission, based on contracts of adjacent uses, topography and other natural characteristics of the area. Nothing in this

section shall prohibit an existing lot from its proper use as identified in the Zoning Ordinance. Any such buffers shall be shown on both the preliminary plan and final plat, and on all boundary and improvement surveys.
(Ords. of 5-24-1989, 1-3-1995)

Editor's note—The ordinance of 1-3-1995 added the last sentence to section 705.

710. Lot design and building placement standards.

711 The lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance requirements.* Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes. Generally, subdivided lots of less than ten (10) acres shall not exceed a lot depth-to-width ratio of five to one (5:1).
(Ord. of 5-24-1989)

712 Every lot shall front a street, and the side lines of lots shall be approximately at right angles or radial to the street line.

713 Corner lots shall have a width sufficient to conform to required building setback lines on both streets and to provide adequate building sites.

714 In the case of lots for residential purposes, the building setback line shall conform to the requirements of the Culpeper County Zoning Ordinance, except that the commission may allow a greater setback if the commission finds that physical or other conditions make a greater setback desirable.

715 In the case of lots for commercial, industrial or nonresidential use, the lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the requirements of any existing zoning or other applicable ordinance and

***Editor's note**—See App. A, Zoning Ordinance.

shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

720. Easements.

721 Utilities shall be installed, or easements for such utilities shall be provided, in the location and to the width designated by the commission after receiving recommendations from the utility companies responsible for the installation of same.

722 Where a subdivision is traversed by a stream or other natural drainageway, the commission may require the subdivider to dedicate a suitable right-of-way or easement for stormwater drainage or to construct adequate water drains.

730. Street design standards.

731 General requirements.

731.1 Except as expressly otherwise provided in this Ordinance, and except for cluster, duplex, townhouse, multifamily, and PUD developments, every subdivision lot shall front on a street which is included in the state system of primary and secondary roads.

(Ords. of 11-6-1991, 8-3-1993, 9-5-2000)

Editor's note—Amendment of 8-3-1993 substituted the words "section 736" for "section 700" and added "and PUD" before "developments" to allow for private streets to be constructed within PUD developments. Amendment of 9-5-2000 deleted any reference to specific sections for exceptions.

731.2 Streets shall be so designed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the requirements of the Virginia Department of Transportation, as evidenced by the written approval of the Highway Engineer.

731.3 Proposed streets within and contiguous to the subdivision shall be properly related to the road and highway plans of the State and County, and shall be coordinated with other existing or planned streets within the general area as to location, widths, grades and drainage; and shall also be coordinated with existing or planned streets in existing or future ad-

jacent or contiguous to adjacent subdivisions. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard for topographic conditions, projected volumes of traffic, and further subdivision possibilities in the area.
(Ord. of 9-5-2000)

731.4 The street system of a proposed subdivision shall be designed to create a hierarchy of street functions which includes collector and local streets.

731.5 Private streets (streets not to be offered for dedication) shall meet the street design and improvement standards set forth in this Ordinance unless otherwise agreed upon by the Planning Commission.

731.6 If the scope of ultimate subdivision is greater than that which is shown on the preliminary plan submission, suitable access and street openings for such an eventuality shall be provided.

731.7 In addition to any other requirement imposed by this Ordinance, any private street that may, pursuant to this Subdivision Ordinance, be approved for use in a subdivision must be recorded with the following statement clearly on the final plat and all approved deeds of subdivision: "The private streets in this subdivision will not be paved or maintained with funds of Culpeper County or the Virginia Department of Transportation. In the event that owners of lots should desire the addition of these private streets to the state secondary highway system, the cost to upgrade and maintain them to the prescribed standards shall be provided from funds other than Culpeper County or the Virginia Department of Transportation. Private streets in this subdivision are not dedicated to the Commonwealth of Virginia or to the County of Culpeper and are owned by (trust, corporation, association)." Grantors of any subdivision lots to which such statement ap-

plies must include the statement on each deed of conveyance thereof.

(Ords. of 5-24-1989, 8-3-1993, 9-5-2000)

Editor's note—Amendment of 8-3-1993 deleted the words "or private street" after the words "Any private farm lane" and added "to the Commonwealth of Virginia or to the County of Culpeper" after "dedicated" in the last sentence. Amendment of 9-5-2000 further clarified this section and brought it into compliance with current state code.

731.8 Any private street which is to be constructed within a cluster, duplex, townhouse, multifamily or PUD development must be constructed to meet current Virginia Department of Transportation standards. In such cases, the subdivision must also be recorded with the statement noted in section 731.7 clearly on the final plat.

(Ord. of 8-3-1993)

Editor's note—Amendment of 8-3-1993 added section 731.8 to allow for private streets to be constructed within PUD developments and to require all private streets (excluding farm lanes) to be constructed to VDOT standards.

732 Street intersections.

732.1 All proposed street intersections shall be in accordance with the requirements and standards of the Virginia Department of Transportation.

732.2 Clear sight triangles shall be provided at all street intersections. Within such triangles, no object greater than three (3) feet in height and no other object that would obscure the vision of the motorist shall be permitted.

732.3 Whenever a portion of the line of such triangle occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

733 Ingress and egress.

733.1 When a proposed subdivision will adjoin a primary or secondary highway designated as part of the state highway system, all efforts will be made to avoid unnecessary ingress and egress. In the interest of safety and future road efficiency, all lots in such subdivisions will front on internal subdivision streets or on

a service drive where such is planned. Street access from such a subdivision shall be located at minimum center-line-to-center-line intervals of six hundred (600) feet on any primary road and two hundred fifty (250) feet on any existing secondary road. In general, stripped lots on non-subdivision streets will be prohibited, and consolidated access will be encouraged wherever possible.

733.2 Whenever, because of unequal size, topography or shape of the property or other unusual condition not resulting from the developer's deliberate act, strict compliance with section 733.1 would result in extraordinary hardship to the developer, the Planning Commission may vary, modify or waive the requirement so that substantial justice may be done and the public interest secured.

(Ord. of 5-24-1989)

734 Repealed.

(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 repealed this section as being duplicative.

735 Cul-de-sacs.

735.1 Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

735.2 Any dead-end street which is constructed for future access to an adjoining property or because of authorized state development, and which is open to traffic and exceeds two hundred (200) feet in length, shall be provided with a temporary, all-weather turnaround and shall be guaranteed to the public until such time as the street is extended.

735.3 Cul-de-sac streets, permanently designed as such, shall not exceed one thousand (1,000) feet in length or shall not furnish access to more than fifteen (15) lots, twenty (20) lots in a clustered development. Private cul-de-sacs and cul-de-sacs in subdivisions where each lot is five

(5) acres or more shall not exceed two thousand five hundred (2,500) feet in length.

735.4 All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The turnaround may be offset to the left or to the right.

735.4.1 If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curbline shall be forty (40) feet, and the minimum radius of the right-of-way line shall be fifty (50) feet.

735.4.2 If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curbline shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
(Ord. of 5-24-1989)

736 Repealed.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 repealed this section as being duplicative with other sections of this same Article.

737 Street names.

737.1 Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.

737.2 In no case shall the name of a proposed street duplicate an existing street name in the County and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

Editor's note—During the original County-wide naming of streets, numerous duplications were created and are "grandfathered" exceptions to this section. These are as follows: Blue Ridge Lane/Avenue; Cameron Court/Street; Catalpa Drive/Court; Cedar Lane/Road; Clover Hill Lane/Road; Colvin Road/Street; Countryside Circle/Lane; Crestview Lane/Place; Crooked Run Lane/Road; Davis Lane/Street; East Court/Street; Elkwood Drive/Crossing; Farley Road/Street; Federal Court/Street; Fletcher Lane/Place; Fox Hill Lane/Road; Golf Lane/Drive; Gray Road/Street; Hall Street/Road; Hazel River Drive/Road; Hickory Drive/Knoll; Highland Drive/Road; Hitt Lane/Court; Horseshoe Court/Drive/Road; Kelly Court/Street; Kings Drive/Street; Lewis Drive/Lane/Street; Lightfoot Lane/

Street; Millers Lane/Drive; Norman Lane/Road; Overlook Court/Trail/Street; Queens Lane/Court/Street; Smith Court/Road; Spring Road/Street; Sycamore Lane/Street; Walker Lane/Road; Washington Place/Street; West Court/Street; White Oak Lane/Road; Williams Court/Drive/Street; Willis Road/Lane; Windy Acre Lane/Road.

737.3 A street name shall not be assigned to any private street which will not serve, or is not intended to serve, at least three (3) dwellings.

737.4 All street names shall be subject to the approval of the Office of Planning and Zoning.

738 Sidewalks.

738.1 Sidewalks shall generally be required on both sides of the street in subdivisions with typical lot widths of less than one hundred (100) feet at the building setback lines.

738.2 Sidewalks may also be required on both sides of the street in subdivisions where lots are one hundred (100) feet or more in width if it would be desirable to continue sidewalks that are existing in adjacent subdivisions, or to provide access to community facilities, such as schools, shopping areas and recreation areas.

738.3 Sidewalks shall be required on both sides of streets and adjacent to parking areas in multi-family developments.

738.4 Sidewalks shall be located within the street right-of-way no closer than one foot from the right-of-way line and shall be a minimum of four (4) feet wide, except along collector and minor arterial streets and adjacent to shopping centers, schools, recreation areas and other community facilities where they shall be a minimum of five (5) feet wide.

738.5 Generally, a grass planting strip should be provided between the curb and sidewalk.

738.6 Sidewalks shall be constructed in accordance with the applicable improvement specifications of Article VIII of this Ordinance.

738.7 Where a comprehensive interior walkway system is designed and proposed

for the subdivision, some or all of the requirements set forth in this section may be waived by the Planning Commission.

738.8 Where unusual or unique conditions prevail with respect to the prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Planning Commission.

740. Watershed Management District standards.

All major subdivisions proposed for development in the Lake Pelham—Mountain Run Lake Watershed are subject to the regulations and standards contained in the Culpeper County Zoning Ordinance, Article 8C, Watershed Management District. The standards include requirements for buffers, BMP's, grass swales for drainage, impervious surface limits and other considerations designed to achieve the best water quality and water resource management objectives in the watershed.

(Ord. of 3-3-1992)

ARTICLE VIII. IMPROVEMENT SPECIFICATIONS

800. Physical improvements.

The commission shall require that the subdivider make the improvements provided for in this section, and they shall be installed at his cost in compliance with the requirements of the Virginia Department of Transportation or the Culpeper County Health Department, or both. No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Transportation or the Culpeper County Health Department, or both, as hereinafter provided. Any subdivider commencing any construction in violation of this section shall be guilty of a misdemeanor and punishable as provided in Article IX of this Ordinance.

801 Monuments shall be placed in the ground at all corners, angles and points of curvature in the subdivision boundaries, in the right-of-way lines of all streets and other public areas, within the subdivision, and in at least one point in each lot. Said monuments shall be of iron pipe, not less than one-half ($\frac{1}{2}$) inch nor more than one inch in diameter and three (3) feet in length. The top of all monuments shall be set no more than four (4) inches or less than one inch above the finished grade of the ground surface at their respective locations. Upon completion of subdivision streets, sewers, waterlines and other required improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use.

802 Streets and sidewalks shall be constructed in compliance with the requirements of the Virginia Department of Transportation.

803 Where required by the Highway Engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.

804 Street signs shall be installed at all street intersections in any subdivision by the subdivider.

805 Central water supply shall be required in all subdivisions of six (6) or more lots where any of the lots are two (2) acres or less in land area.

806 Fire Protection systems shall be required to be installed by the developer as defined in section 14-43 of this Code.
(Ords. of 3-3-1987; 5-24-1989; 5-1-2001)

810. Performance guaranties.

811 The subdivider shall furnish a performance guaranty in an amount equal to the total cost, as determined by a registered engineer or land surveyor and approved by the zoning administrator, of such improvements so as to guarantee that they will be installed within a designated reasonable length of time. The performance guaranty shall accompany the final plan, as provided in section 520, when it is submitted to the zoning administrator.

812 In the absence of a performance guaranty, no final plan shall be approved or recorded until the required improvements have been installed and approved by the zoning administrator.

813 Before undertaking any improvements required in section 800, the subdivider shall submit four (4) copies of his proposed plans and specifications to the zoning administrator and receive written approval thereof by the return of one copy with such approval endorsed thereon. No such approval shall be given without prior written approval of the Highway Engineer and/or the Health Official, as may be appropriate. Said plans and specifications shall have been prepared by a qualified surveyor or engineer, registered by the Commonwealth of Virginia. Of the copies retained, one shall be forwarded to the Highway Engineer and one to the Health Official, when appropriate, and the remaining copy or copies shall be filed with the County's copy of the final plan.

820. Provisions for periodic partial and final release of certain performance guarantees.

821 A partial or final complete release of any performance guaranty required by this Subdivision Ordinance shall be granted within thirty (30) days after receipt by the zoning administrator of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed hereunder unless the zoning administrator notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty (30) day period.

822 The zoning administrator may call upon any expert source in determining the acceptability of facilities or improvements.

823 If no such action is taken by the zoning administrator within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty (30) day period and there is an additional request in writing sent by certified mail return receipt requested to the County Administrator, who shall immediately forward the request to the zoning administrator. The zoning administrator shall act within ten (10) working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

824 The zoning administrator shall not refuse to make a periodic partial or final release of a performance guaranty for any reason not directly related to the specified defects or deficiencies in construction of the facilities or improvements covered by the performance guaranty.

825 Upon written request by the subdivider or developer, the zoning administrator shall be required to make periodic partial releases of such performance guaranty in a cumulative amount equal to no more than ninety percent (90%) of the original amount for which the

performance guaranty was taken, and may make partial releases to such lower amounts as may be deemed appropriate by the zoning administrator based upon the percentage of facilities or improvements completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the facilities or improvements covered by any performance guaranty. The zoning administrator shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period. Upon final completion and acceptance of the facilities or improvements, the zoning administrator shall release any remaining performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means; when the public facility or improvement is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such facility or improvement upon acceptance.

826 For the purposes of this section, a certificate of partial or final completion of such facilities or improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to section 54.1-400 of the Code of Virginia, or from a department or agency designated by the County may be accepted without requiring further inspection of such facilities or improvements.

830. Voluntary Improvements.

831 A developer may provide for the voluntary funding of off-site road improvements and the Board of Supervisors may provide for reimbursement of such off-site road improvements pursuant to section 15.2-2242(4) of the Code of Virginia.

840. Payment by subdivider of pro rata share of the cost of certain facilities.

841 A subdivider or developer shall be required to make payment of the pro rata share of the cost of providing reasonable and necessary

sewage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development; however, no such payment shall be required until such time as the Culpeper County Board of Supervisors or a designated department or agency of Culpeper County has established a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located or the Board of Supervisors has committed itself by ordinance to the establishment of such a program.

842 Regulations and payments hereunder shall comply with the provisions of section 15.2-2243 of the Code of Virginia.

850. Roads not acceptable into the secondary system of state highways.

851 In the event the Board of Supervisors has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then the subdivider or developer shall furnish a maintenance guaranty, with surety satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways.

852 "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 amended sections 810 and 820, and added sections 830, 840, and 850.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

900. General.

901 The zoning administrator shall administer and enforce all provisions of this Subdivision Ordinance.

902 No property in a subdivision shall be transferred or offered for sale, nor shall a permit be issued for a structure thereon, until a final plan of such subdivision shall have been approved, as provided herein, and recorded in the office of the Clerk of the Circuit Court of Culpeper County, Virginia.

903 In order to permit the zoning administrator to properly administer and enforce the provisions of this subdivision ordinance, any plat or plan, regardless of whether it is a subdivision, boundary survey, easement plat, or other instrument shall be reviewed and approved by the zoning administrator for compliance with this Ordinance prior to recordation.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 renamed this section and added Subsections 902 and 903.

910. Appeals.

911 The decisions of the zoning administrator, with respect to approval or disapproval of any portion of this Ordinance, may be appealed directly to the Planning Commission by requesting to be placed on the agenda of the next regularly scheduled meeting.

912 The Planning Commission may reverse the decision of the zoning administrator or submit the request to the Board of Supervisors with or without recommendation.

920. Violations and penalties.

921 All departments, officials and public employees of Culpeper County vested with the duty or authority to issue permits or licenses shall conform to the provisions of the Subdivision Ordinance of Culpeper County and shall issue no such permit or license for uses, structures or purposes where the sale would be in conflict with the provisions of said Ordinance,

and any such permit or license, if issued in conflict with the provisions of said Ordinance, shall be null and void.

922 Any violation of said Ordinance shall constitute a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) per lot and not more than five hundred dollars (\$500.00) per lot, and each day after the first during which violation shall continue after notification that it shall cease shall constitute a separate violation.

923 It shall constitute a violation of said Ordinance for any person, firm, corporation, owner or agent to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of said Ordinance.

924 Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of said Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the Statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

930. Validity and conflicts.

931 Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance than the one so declared.

932 Whenever there is a conflict between minimum standards or requirements set forth in this Ordinance and those contained in other County Ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirement shall apply.

940. Fees.

941 To compensate the County for costs incurred for administration, examining plans, making investigations, advertising, travel and other work incidental to the approval of plans, fees are payable to the County Treasurer as prescribed by the Board of Supervisors.

942 No plan shall be reviewed unless all fees and charges are paid in full.

950. Administrative regulations.

951 In addition to the requirements herein contained for the platting of subdivisions, the commission may establish such administrative rules and procedures as it deems necessary to properly administer this Ordinance.

960. Normal requirements and variations.

961 The requirements of this Ordinance may be varied in specific cases if the Planning Commission or the Board of Supervisors, whichever is the final reviewing authority, determines that an unusual situation exists which makes it necessary or desirable to vary one or more standards or procedures, or when strict adherence to the general regulations would result in substantial injustice or hardship.

962 Any such variation from the prescribed standards shall be shown to be in the public interest, and the reasons therefor shall be stated in the minutes.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 modified this section to make clear that variations from the prescribed standards will be determined by whichever body is the proper authority for a particular variant.

970. Effective date and repeal.

971 This Subdivision Ordinance of Culpeper County shall be effective at and after July 6, 1978.

972 The Subdivision Ordinance of Culpeper County, adopted November 7, 1973, is hereby repealed as of this date of adoption (July 5, 1978).